

DEBRA MAYES,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
GRAPHIC PACKAGING,)	
)	
Defendant.)	
)	


The Court dismissed the claims against Tippens in that case. The plaintiff filed an interlocutory appeal as to the dismissal of the claims against Tippens, and the Fourth Circuit Court of Appeals dismissed the appeal for lack of jurisdiction. Mayes v. Tippens, No. 10-2254 (4th Cir. Dec. 22, 2010) (unpublished). The claims against Graphic Packaging in that earlier case, however, remain unresolved before this Court. Because the instant action is duplicative of the previously filed case, the Court will order that the Clerk of Court administratively close this matter. To the extent that the instant Complaint differs from the Complaint filed in the earlier case, the plaintiff may seek leave to file an amended complaint in the earlier action. To ensure the plaintiff is clear, while Tippens is no longer a defendant in the earlier action, Graphic Packaging remains a defendant in that earlier action, and it is still an open and unresolved case before this Court.

IT IS, THEREFORE, ORDERED that the plaintiff's motion to proceed in forma pauperis

(Doc. No. 2) is **DENIED** as moot, the Amended Complaint (Doc. No. 3) is **DISMISSED**, and the Clerk of Court shall administratively close this matter.

SO ORDERED.

Signed: December 28, 2010


Robert J. Conrad, Jr.
Chief United States District Judge

